

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 9/3/03.

I. DISPUTE

Whether there should be reimbursement for exploration of spinal fusion - 22830-80 performed on 9/5/02 denied by the carrier as global – “by clinical practice standards, this procedure is incidental to the related primary procedure billed.” The respondent incorrectly used the denial code “U” but no question of medical necessity was raised by the respondent for this service.

II. RATIONALE

The Operative report dated 9/5/02, states surgeon _____ was assisted by _____ during the procedure. The operative report is not specific about whether or not the assistant surgeon was necessary for exploration of the spinal fusion – 22830-80, but the 1996 Medical Fee Guideline states the use of modifier –80 must have “...Documentation on the operating room record shall indicate the amount of time spent by the assistant surgeon in the operative session and the need for the assistant surgeon. Documentation shall substantiate the attendance of the assistant surgeon 70% of the time during the performance of one operative session. The reimbursement shall be 25% of the listed MAR of the surgical procedure(s).”

This information was not listed on the operative report. On this basis, reimbursement is not recommended.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for exploration of spinal fusion – 22830-80.

The above Findings and Decision are hereby issued this 27th day of February 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division

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